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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,) **No. C 05-4185 SC**

Plaintiff,)

v.)

1. \$250,110 IN UNITED STATES)
CURRENCY, AND)

**STIPULATION AND ~~PROPOSED~~
ORDER RE STAY OF FORFEITURE
PROCEEDINGS**

2. REAL PROPERTY AND IMPROVEMENTS)
AT 166 LOS ROBLES DRIVE,)
BURLINGAME, CALIFORNIA)

Defendants.)

IT IS HEREBY STIPULATED by and between plaintiff United States of America, claimant CitiMortgage and prospective claimants Eric Cai and Zhaoren Cai, through undersigned counsel, that this action be stayed pursuant to 21 U.S.C. § 881(j). Eric Cai, who has filed/will file a claim contesting the forfeiture of the defendant property, has been charged by a criminal complaint with drug trafficking and money laundering offenses in the Northern District of California. The underlying criminal activity alleged in the criminal complaint forms, in large part, the basis for the forfeiture allegations in the government's amended complaint for forfeiture. Consequently, the parties agree that a stay in the

**STIPULATION AND ~~PROPOSED~~ ORDER
RE STAY OF FORFEITURE PROCEEDINGS
(ERIC CAI)**

forfeiture proceeding is appropriate in order to preserve Cai's right against self-incrimination in the related criminal matter. The parties thus request that matter be stayed pending resolution of the related criminal prosecution against Cai. Accordingly, the parties request that the case management conference currently set for Friday, March 23, 2007, at 10:00 a.m. be vacated and that the matter be set for status ~~in approximately 90-120 days.~~ **July 13, 2007 at 10:00 A.M.** **SC**

It is further stipulated that during the pendency of the stay, prospective claimants and property owners Eric Cai and Zhaoren Cai, will make current any delinquent mortgage payments and maintain the mortgage and security of the defendant real property until further order of this Court. Claimants agree that if they are not able to either bring the mortgage payments current or maintain the mortgage and security of the defendant real property, they will promptly notify the government so that it can take appropriate action, up to and including moving for an interlocutory sale of the property.

DATED: 03/14/07

_____/S/_____
STEPHANIE M. HINDS
Assistant U.S. Attorney

DATED: 03/13/07

_____/S/_____
RANDY MONTASANTO
Attorney for Eric Cai and Zhaoren Cai

DATED: 03/13/07

_____/S/_____
MICHAEL H. CHANG
Attorney for CitiMortgage

~~PROPOSED~~ ORDER

Upon the stipulation of counsel, and good cause appearing, the above-entitled civil forfeiture action is stayed in light of the pending related criminal prosecution of Eric Cai. The case management conference scheduled for March 23, 2007, at 10:00 a.m. is vacated. The matter is continued to 7/13/07 for further status.

IT IS FURTHER ORDERED that property owners Eric Cai and Zhaoren Cai shall make current any delinquent mortgage payments and will maintain the mortgage and security of the defendant property

1 until further order of this Court. Should the Cais be unable to bring the mortgage payments current or
2 maintain the mortgage and security of the defendant property, they shall promptly inform the government
3 so that it can take appropriate action, including moving for an interlocutory sale of the defendant real
4 property.

5 IT IS HEREBY ORDERED:

6 DATED: 3/15/07

